

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 21-0393V

(not to be published)

DIANE MICHELLE,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: May 23, 2023

Special Processing Unit (SPU);
Attorney's Fees and Costs

Brynna Gang, Kraus Law Group, LLC, Chicago, IL, for Petitioner.

Naseem Kourosh, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION ON ATTORNEY'S FEES AND COSTS¹

On January 8, 2021, Diane Michelle filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the "Vaccine Act"). Petitioner alleges that she suffered a shoulder injury related to vaccine administration as a result of a pneumococcal vaccine that was administered on July 29, 2019. Petition at 1. On November 8, 2022 I issued a decision awarding compensation to Petitioner based on the parties' stipulation. ECF No. 38.

Petitioner has now filed a motion for attorney's fees and costs, requesting a total award of \$19,952.34 (representing \$19,286.90 in fees and \$665.44 in costs). Petitioner's Request for Attorney's Fees ("Motion") filed Mar. 28, 2023, ECF No. 43. In accordance

¹ In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2018).

with General Order No. 9, counsel for Petitioner represents that Petitioner incurred no out-of-pocket expenses. Id. at 1.

On Apr. 3, 2023, Respondent reacted to the motion, indicating that he is satisfied that the statutory requirements for an award of attorney's fees and costs are met in this case, but deferring resolution of the amount to be awarded to my discretion. ECF No. 44. Petitioner did not file a reply thereafter.

I have reviewed the billing records submitted with Petitioner's request. In my experience, the request appears reasonable, and I find no cause to reduce the requested hours or rates.

Petitioner has requested 2023 attorney hourly rates as follows: \$390 for work performed by Brynna Gang - representing a rate increase of \$40; and \$497 for work performed by Ed Kraus – representing a rate increase of \$25. Attachment to Motion at 21. Additionally, Petitioner has requested 2023 paralegal rates as follows: \$170 per hour for work performed by Megan Vignocchi; and \$177 per hour for work performed by Amanda Ramos. Attachment to Motion at 21-22. I find these hourly rates to be reasonable and will award the attorney's fees requested.

Furthermore, Petitioner has provided supporting documentation for all claimed costs. Attachment to Motion at 24-45. Respondent offered no specific objection to the rates or amounts sought.

The Vaccine Act permits an award of reasonable attorney's fees and costs for successful claimants. Section 15(e). Accordingly, I hereby GRANT Petitioner's Motion for attorney's fees and costs. I award a total of **\$19,952.34 (representing \$19,286.90 in fees and \$665.44 in costs) as a lump sum in the form of a check jointly payable to Petitioner and Petitioner's counsel, Brynna Gang.** In the absence of a timely-filed motion for review (see Appendix B to the Rules of the Court), the Clerk of Court shall enter judgment in accordance with this Decision.³

IT IS SO ORDERED.

s/Brian H. Corcoran
Brian H. Corcoran
Chief Special Master

³ Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing their right to seek review.